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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Michael J. Mullane
Serial No. 09/967,250
Docket No. MJM-50X
Filing Date 09/28/2001
For SNOW STOP

Attn: Group Art Unit 3635
Examiner Kevin McDermott
SPE Carl D. Friedman

Response

Commissioner for Patents, Alexandria, VA 22313-1450:

I certify that this correspondence is facsimile-transmitted to the Patent and Trademark Office (703 872 9326) on 02 FEB 2004:

Christopher John Rudy: Christopher John Rudy 02 FEB 2004.

Thank you for the 10/31/2003 Office action (Paper No. 8) for the patent application of reference. In reply to Paper No. 8, please reconsider and further examine the present application in view of the present remarks.

Claims 1-3 and 9-25 remain present.

The objection to the disclosure of the specification as set forth in Paper No. 8 is respectfully traversed. Line 6 of the amended paragraph filed on April 21, 2003 provides an end to a complete sentence. The phrase, "orientation among several," must not be viewed out of context, and standard English grammar must be recognized. The phrase is part of a larger adverbial clause concluding with the prepositional phrase, "among several." The preposition, "among," takes as its object the word, "several," which in this context any person skilled in the art would recognize to be found as a noun, not, as the Examiner would otherwise propose, an adjective. See, any standard dictionary, e.g., Webster's New Universal Unabridged Dictionary, Dorset & Baber, Cleveland, 1983, page 1662. Here, the noun, "several," properly means a particular thing; an item: used chiefly in the plural; or several things; a few; a small number -- which, in any case, refers to snow stops as the things or items. Moreover, the phrase had been examined previously, and, as proper, no objection to it was made in the preceding Office action, Paper No. 6. For the Examiner to set forth a new objection over material that was previously approved, he should show at least a manifest mistake in the previous approval, and approval from a previous Examiner is highly persuasive. Compare, Ex parte Grier, 1923 C.D. 27; Ex parte Hay, 1909 C.D. 18; Ex parte Nealon, 1897 C.D. 174. The standard is very high, and the Examiner has not met his burden.

The objection to the Amendment filed on April 21, 2003 under 35 USC 132 as set forth in Paper No. 8 is respectfully traversed. No new matter has been entered into the specification by amending the ratio, "2:1," to "1:2," concerning snow-restraining member 20 to base 10. Looking at FIGS. 6, 11, 13, 19 and 21, and comparing the dimensions that would apply from the discussion about loading earlier in the paragraph of interest, the member 20 has a listed height of 2.0000 inches, and the base 10 has a listed length of 3.7500 inches, which results in a member 20 to base 10 ratio as

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